

September 1, 2004

EMS RECORD

**Legal and Other Requirements
for the EPA Mid-Atlantic Region 3
1650 Arch Street Office
Environmental Management System**

Significant Environmental Aspect (SEA)	Statute/Reg./EO/Guidance	Standard/Applicability
Generation of Waste	City of Philadelphia	Commercial Recycling Regulation http://www.phila.gov/streets/commercial_recycling_regulatio.html Require the owners of buildings in Philadelphia that utilize a private trash hauler to: prepare and submit a recycling plan , distribute the plan to all employees and/or tenants, publicly post the plan, separate recyclables up-front (before putting in trash), provide recycling container, create an education program to communicate expectations, changes, impacts, etc., use a hauler or recycling company that is licensed by the City of Philadelphia...
Use of Supplies Use of Paper	RCRA	Resource Conservation and Recovery Act (RCRA) Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. 40 CFR Part 243 “Guidelines for the Storage and Collection of Residential, Commercial, and Institutional http://www.access.gpo.gov/nara/cfr/waisidx_00/40cfr243_00.html
Generation of Waste	RCRA	40 CFR Part 246.200: “Source Separation for Materials Recovery Guidelines” http://www.access.gpo.gov/nara/cfr/waisidx_00/40cfr246_00.html High-grade paper generated by office facilities of over 100 office workers must be separated at the source of generation, separately collected, and sold for the purpose of recycling.

Use of Supplies Use of Paper	RCRA	40 CFR Part 247 “Comprehensive Procurement Guidelines for Products Containing Recycled Materials” http://www.access.gpo.gov/nara/cfr/waisidx_00/40cfr247_00.html Federal agencies must purchase recycled-content products . Designated products are listed at www.epa.gov/cpg .
Generation of Waste	RCRA	40 CFR Part 273, 273.1(a) “Standards for Universal Waste Management” http://www.access.gpo.gov/nara/cfr/waisidx_00/40cfr273_00.html Requirements for managing batteries , pesticides, thermostats, and lamps
Use of Supplies Use of Paper	Federal Acquisition Regulations (FAR) 7.103	Part 7– Acquisition Planning 7.103(n)(1) and (2) http://www.acqnet.gov/far/loadmainre.html Ensure that agency planners– (1) specify needs for printing and writing paper consistent with the minimum content standards specified in section 505 of EO 13101 and Federal Acquisition; and (2) comply with the policy in 11.002(d) regarding procurement of products containing recovered materials , and environmentally preferable and energy-efficient products and services .
Use of Supplies Use of Paper	FAR	Part 23 - Use of Recovered Materials 23.404 http://www.acqnet.gov/far/loadmainre.html Prescribes policies and procedures for acquiring EPA-designated products through affirmative procurement programs required by the RCRA Act of 1976 and EO 13101
Generation of Waste	EO 13101 signed 9/14/98	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm To reduce EPA’s environmental footprint by increasing and promoting recycling, reducing materials entering EPA’s waste stream, promoting and achieving increased and preferential use of materials with recycled content and emphasizing and increasing the purchase and use of environmentally preferable products in the following areas: Green Buildings, Green Janitorial and Maintenance Services, Green Copy Paper and Publications, Green Meetings, Green Office Supplies, Green Electronics, Green Fleets, Green Landscaping, Green Power, Recycling and Waste Prevention

Generation of Waste	EO 13101 signed 9/14/98 Section 101, 102, 401.	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm Prevent pollution whenever feasible; acquire environmentally preferable products. Consider the following factors in acquisition planning: use of biobased products ; use of recovered materials ; reuse of product ; life cycle cost; recyclability ; use of environmentally preferable products; waste prevention (including toxicity reduction or elimination); and ultimate disposal.
Use of Paper	EO 13101 signed 9/14/98 Section 505.	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm Minimum Content Standard for Printing and Writing Paper. Agencies shall meet or exceed the following minimum materials content standards when purchasing or causing the purchase of printing and writing paper: (a) For high speed copier paper, offset paper, forms bond, computer printout paper, carbonless paper, file folders, white wove envelopes, writing and office paper, book paper, cotton fiber paper, and cover stock, the minimum content standard shall be no less than 30 percent postconsumer materials beginning December 31,1998.
Use of Paper	EO 13101 signed 9/14/98 Section 505.	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm As an alternative to meeting the standards in sections 505(a), for all printing and writing papers, the minimum content standard shall be no less than 50 percent recovered materials that are a waste material byproduct of a finished product other than a paper or textile product that would otherwise be disposed of in a landfill, as determined by the State in which the facility is located.

Generation of Waste	EO 13101 signed 9/14/98 Sec 601	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm A.1. Each agency shall establish either a goal for solid waste prevention and a goal for recycling or a goal for solid waste diversion to be achieved by January 1, 2000. Each agency shall further ensure that the established goals include long-range goals to be achieved by the years 2005 and 2010. A.2. In addition to white paper , mixed paper/cardboard, aluminum, plastic, and glass, agencies should incorporate into their recycling programs efforts to recycle, reuse, or refurbish pallets and collect toner cartridges for re-manufacturing . Agencies should also include programs to reduce or recycle, as appropriate, batteries , scrap metal, and fluorescent lamps and ballasts. C. Each agency shall set a goal for increasing the use of environmentally preferable products and services for those products and services for which the agency has completed a pilot program.
Generation of Waste	EO 13101 signed 9/14/98 Section 705..	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm Each agency shall initiate a program to promote cost-effective waste prevention and recycling of reusable materials in all of its facilities. Designate a recycling coordinator for each facility.
Use of Petroleum	EO 13101 signed 9/14/98 Section 507.	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm Procurement of Re-refined Lubricating Oil and Retread Tires. Agencies shall implement the EPA procurement guidelines for re-refined lubricating oil and retread tires. Fleet and commodity managers shall take immediate steps, as appropriate, to procure these items in accordance with section 6002 of RCRA. This provision does not preclude the acquisition of biobased (e.g. vegetable) oils.

Generation of Waste	EO 13101 signed 9/14/98 Sec.402	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm A. Agencies shall establish procurement programs to maximize environmental benefit. C.Agencies shall ensure that their affirmative procurement programs require 100 percent of their purchases of products to meet or exceed the EPA guideline
Use of Supplies Use of Paper	EO 13101 signed 9/14/98 Sec. 601B	“Greening the Government through Waste Prevention, Recycling and Federal Acquisition.” http://www.ofee.gov/eo/13101.htm Each agency shall set goals to increase the procurement of products that are made with recovered materials , in order to maximize the number of recycled products purchased, relative to non-recycled alternatives.
Use of Electricity	EO 13123 signed 6/3/99 Sec. 201	“Greening the Government Through Efficient Energy Management.” http://www.eere.energy.gov/femp/resources/exec13123.html Through life-cycle cost-effective energy measures, each agency shall reduce its greenhouse gas emissions attributed to facility energy use by 30 percent by 2010 compared to such emissions levels in 1990. N/A? no electric meter/bill not cost effective
Use of Electricity	EO 13123 signed 6/3/99 Sec. 202	“Greening the Government Through Efficient Energy Management.” http://www.eere.energy.gov/femp/resources/exec13123.html Through life-cycle cost-effective measures, each agency shall reduce energy consumption per gross square foot of its facilities , excluding facilities covered in section 203 of this order, by 30 percent by 2005 and 35 percent by 2010 relative to 1985. N/A? no electric meter/bill not cost effective

Use of Electricity	EO 13123 signed 6/3/99 Sec 204	“Greening the Government Through Efficient Energy Management.” http://www.eere.energy.gov/femp/resources/exec13123.html Each agency shall strive to expand the use of renewable energy within its facilities and in its activities by implementing renewable energy projects and by purchasing electricity from renewable energy sources. The Federal Government shall strive to install 2,000 solar energy systems at Federal facilities by the end of 2000, and 20,000 solar energy systems at Federal facilities by 2010. N/A? no electric meter/bill not cost effective
Use of Electricity Use of Petroleum	EO 13123 signed 6/3/99 Sec. 206	“Greening the Government Through Efficient Energy Management.” http://www.eere.energy.gov/femp/resources/exec13123.html The Federal Government shall strive to reduce total energy use and associated greenhouse gas and other air emissions, as measured at the source. N/A? no electric meter/bill not cost effective
Use of Water	EO 13123 signed 6/3/99 Sec 207	“Greening the Government Through Efficient Energy Management.” http://www.eere.energy.gov/femp/resources/exec13123.html Through life-cycle cost-effective measures, agencies shall reduce water consumption and associated energy use in their facilities to reach the goals set under section 503(f) ¹ of this order. N/A? no water meter or bill not cost effective

¹Section 503(f) refers to goals of best management practices that offices within each agency should implement, and by when they should be implemented. More information can be found at: <http://www.eere.energy.gov/femp/resources/waterguide.html>

Use of Electricity	EO 13123 signed 6/3/99 Sec. 403	<p>“Greening the Government Through Efficient Energy Management.”</p> <p>http://www.eere.energy.gov/femp/resources/exec13123.html B. Agencies shall strive to meet the ENERGY STAR® building criteria for energy performance and indoor environmental quality in their eligible facilities to the maximum extent practicable by the end of 2002. E. Agencies entering into leases, including the renegotiation or extension of existing leases, shall incorporate lease provisions that encourage energy and water efficiency wherever life-cycle cost-effective. F. Agencies entering into leases, including the renegotiation or extension of existing leases, shall incorporate lease provisions that encourage energy and water efficiency wherever life-cycle cost-effective. G. Agencies shall implement district energy systems, and other highly efficient systems, in new construction or retrofit projects when life-cycle cost-effective. H. Agencies shall use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind turbines, fuel cells, and other off-grid alternatives</p> <p>N/A? no electric meter/bill not cost effective</p>
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Use of Electricity	EO 13123 signed 6/3/99 Sec. 404	“Greening the Government Through Efficient Energy Management.” http://www.eere.energy.gov/femp/resources/exec13123.html A. Agencies shall take advantage of competitive opportunities in the electricity and natural gas markets to reduce costs and enhance services. Agencies are encouraged to aggregate demand across facilities or agencies to maximize their economic advantage. B. When selecting electricity providers, agencies shall purchase electricity from sources that use high efficiency electric generating technologies when life-cycle cost-effective. Agencies shall consider the greenhouse gas intensity of the source of the electricity and strive to minimize the greenhouse gas intensity of purchased electricity... agencies should consider my Administration's goal of tripling nonhydroelectric renewable energy capacity in the United States by 2010, the renewable portfolio standard specified in the restructuring guidelines for the State in which the facility is located, GSA's efforts to make electricity from renewable energy sources available to Federal electricity purchasers, and EPA's guidelines on crediting renewable energy power in implementation of Clean Air Act standards. N/A? no electric meter/bill not cost effective.
Use of Petroleum	EO 13123 signed 6/3/99 Sec. 405	“Greening the Government Through Efficient Energy Management.” http://www.eere.energy.gov/femp/resources/exec13123.html Each agency shall seek to improve the design, construction, and operation of its mobile equipment ² , and shall implement all life-cycle cost-effective energy efficiency measures that result in cost savings while improving mission performance.
Use of Petroleum	EO 13134 signed 8/12/99	“Developing and Promoting Biobased Products and Bioenergy” http://ceq.eh.doe.gov/nepa/regs/eos/eo13134.html The EPA Administrator is part of an Interagency Council to prepare an annual plan for the President outlining overall national goals in the development and use of biobased products and bioenergy in an environmentally sound manner and how these goals can best be achieved through Federal programs and integrated planning.

²Mobile equipment refers to all Federally owned ships, aircraft, and nonroad vehicles.

All SEA	EO 13148 Signed 4/22/00 Sec 202	“Greening the Government Through Leadership in Environmental Management.” http://ceq.eh.doe.gov/nepa/regs/eos/eo13148.html Agency shall comply with environmental regulations by establishing and implementing environmental compliance audit programs and policies that emphasize pollution prevention
All SEA	EO 13148 signed 4/22/00 Sec 203	“Greening the Government Through Leadership in Environmental Management.” http://ceq.eh.doe.gov/nepa/regs/eos/eo13148.html Each agency shall strive to reduce or eliminate harm to human health and the environment from releases of pollutants to the environment . Each agency shall advance the national policy that, whenever feasible and cost-effective, pollution should be prevented or reduced.
All SEA	EO 13148 signed 4/22/00 Sec. 305-402	“Greening the Government Through Leadership in Environmental Management.” http://ceq.eh.doe.gov/nepa/regs/eos/eo13148.html Sec 305-Agency shall ensure it develops a written plan that sets forth the facilities contributions to the goals and requirements established in this order . Sec 307-Each agency shall submit an annual progress report to the Administrator on implementation of this order. Sec 401B-By December 31, 2005, each agency shall implement an environmental management system at all appropriate agency facilities. Sec 402C-Each agency is encouraged to conduct audits not less than every 3 years from the date of the initial or previous audit.
Use of Petroleum	EO 13149 signed 4/21/00	“Greening the Government through Federal Fleet and Transportation Efficiency.” http://ceq.eh.doe.gov/nepa/regs/eos/eo13149.html Agencies shall increase the average EPA fuel economy rating of passenger cars and light trucks acquired by at least 1 mile per gallon (mpg) by the end of FY 2002 and at least 3 mpg by the end of FY 2005 compared to FY 1999 acquisitions.
Use of Petroleum	EO 13149 signed 4/21/00 Sec. 201	Greening the Government through Federal Fleet and Transportation Efficiency.” http://ceq.eh.doe.gov/nepa/regs/eos/eo13149.html Must reduce entire fleet’s annual petroleum consumption by end of 2005 by 20% , as compared with FY1999 (for fleets ≥20

Use of Petroleum	EO 13149 signed 4/21/00 Sec. 202	Greening the Government through Federal Fleet and Transportation Efficiency.” http://ceq.eh.doe.gov/nepa/regs/eos/eo13149.html A. Each agency shall fulfill the acquisition requirements for AFVs established by section 303 of the Energy Policy Act of 1992. Agencies shall use alternative fuels to meet a majority of the fuel requirements of those motor vehicles by the end of FY 2005. B. Agencies shall increase the average EPA fuel economy rating of passenger cars and light trucks acquired by at least 1 mile per gallon (mpg) by the end of FY 2002 and at least 3 mpg by the end of FY 2005 compared to FY 1999 acquisitions.
Use of Petroleum	EO 13149 signed 4/21/00 Sec. 401	Greening the Government through Federal Fleet and Transportation Efficiency.” http://ceq.eh.doe.gov/nepa/regs/eos/eo13149.html Each agency acquisition of an alternative fuel light-duty vehicle shall count as one credit towards fulfilling the AFV acquisition requirements of the Energy Policy Act of 1992. Agencies shall receive one additional credit for each light-duty AFV that exclusively uses an alternative fuel and for each Zero Emission Vehicle of any size. Agencies shall receive three credits for dedicated medium-duty AFVs and four credits for dedicated heavy-duty AFVs. Agencies can also receive one credit for every 450 gallons of pure bio-diesel used in diesel vehicles.
Use of Petroleum.	EO 13149 signed 4/21/00 Sec. 403	“Greening the Government through Federal Fleet and Transportation Efficiency.” http://ceq.eh.doe.gov/nepa/regs/eos/eo13149.html No agency shall purchase sell, or arrange for the purchase of virgin petroleum motor vehicle lubricating oils when re-fined oils are available, also retread tires, tires must contain 5-10% post-consumer rubber, biobased motor vehicle products preferable
Use of Petroleum	EO 13150 Sec 1A, 2, 5 signed 4/21/00	“Federal Workforce Transportation” http://ceq.eh.doe.gov/nepa/regs/eos/eo13150.html Federal agencies shall implement a transportation fringe benefit program that offers qualified Federal employees the option to exclude from taxable wages and compensation, consistent with section 132 of title 26, United States Code, employee commuting costs incurred through the use of mass transportation and vanpools

Use of Electricity	EO 13302 signed 5/15/03	“Actions to Expedite Energy Related Projects” http://www.ofee.gov/eo/13302.pdf Amending EO 13212 Energy Efficient Standby Power Devices.” Agency shall purchase products that use no more than one watt in their standby power consuming mode . If not available, agencies shall purchase products with the lowest standby power wattage while in their standby power consuming mode.
	EO 13327 signed 2/6/04	“Federal Real Property Asset Management” http://www.ofee.gov/eo/13327.pdf
Use of Supplies Use of Paper	Budget Circular A102	Office of Management and Budget Circular A102 http://www.whitehouse.gov/omb/circulars/a102/a102.html Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds must comply with Section 6002 of RCRA. State and local recipients of grants, loans, cooperative agreements or other instruments funded by appropriated Federal funds shall give preference in procurement program to the purchase of recycled products pursuant to the EPA guidelines.
Use of Supplies	Memorandum	Memorandum from the Office of the Federal Executive dated 9/10/2003, FY 2003 Reporting Implementation of RCRA Section 6002 For FY 2003, all Federal agencies should report on their efforts to implement RCRA Section 6002 and E.O. 13101. However, specific purchasing data collection is only required from six procuring agencies, of which EPA is not one. For FY 2004 and beyond, all Federal agencies will be required to report specific purchasing data.
Use of Paper	Memorandum	“New Environmental Standards for EPA Paper and Publications dated 1/19/01, from deputy Administrator, W. Michael McCabe. http://www.epa.gov/reg3p2p2/paper.htm purchase paper with 100% recycled content with a minimum of 50% post consumer fiber content; meet this requirement by October 1, 2001 wherever available, purchase process chlorine free paper that meets the recycled content standard; meet this requirement by October 1, 2001